IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY,THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13344 of 1996.

Between:

G.Rama Rao S/o.Late Satyanarayana, aged about 58 years, occupation: Retired employee, District Coop.Central Bank, Srikakulam, R/o. D.No.13-20-39/4 , Mandetiveedhi, Opp: Leprosy Colony , Srikakulam.

... PETITIONER

AND

The General Manager, District Cooperative Central Bank, Srikakulam , Srikakulam District..

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent in not considering the service rendered from 8-9-1958 to
30-6-1964 as regular service for the purpose of seniority, sanction of increments, promotion and other all consequential benefits is highly arbitrary , illegal and violative of Articles 14 & 16 of the Constitution of India.

Counsel for the Petitioner: MR.P.R.K.AMARENDRA KUMAR

Counsel for the Respondent: MR. RAGHAVARAO KOKA.

The Court made the following:

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ORDER:

The petitioner worked in Respondent Bank. He entered into the service in the bank on 8-9-1958 as an unqualified and untrained Lower Division Clerk. His regular service commenced with effect from 1-7-1964. He completed his service and retired on 31-5-1996.

Subsequent to his retirement, the petitioner filed this Writ Petition in the form of Writ of mandamus to declare that the action of the respondent in not considering his services from 8-9-1958 to 31-6-1964 as regular service for the purpose of seniority, sanction of increments, promotion and all other consequential benefits, as arbitrary, illegal, and violative of the articles l4 and 16 of the Constitution of India.

The petitioner in his affidavit admits that he was unqualified and untrained Lower Division Clerk during the relevant period. But he contends that his colleagues, who were also appointed under similar circumstances, were given the seniority, considering their unqualified service also and other consequential benefits. Therefore, he is also entitled for the benefits of that service and other consequential benefits.

The petitioner did not place any material to verify under what circumstances, the persons mentioned by him in his affidavit, were given the benefits of the services rendered as unqualified and untrained candidates. The respondent specifically mentioned that since the petitioner worked as an unqualified and untrained Junior Assistant, he is not entitled to get the service for the period from 8-9-1958 to 30-6-1964 included in the total service for the purpose of seniority and other benefits, by treating it as a regular service. The respondent categorically mentioned that the petitioner was appointed on 8-9-1958 on the basic pay of Rs.45/- and was sent for training to Ramadas Cooperative Training Institute, Rajahmundry on a stipend of Rs.50/- per month. The above circumstances clearly indicate that there is no legal right for the petitioner to claim that the services rendered by him as an unqualified and untrained candidate be treated as a regular service. Therefore, there is no illegality committed by the respondent in not treating the service of the petitioner from 8-9-1958 to 30-6-1964 as a regular service. There are no grounds to invoke the

extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Therefore, this Writ Petition is dismissed. No order as to costs.

19-8-2004

dvs/dsr

To

1. The General Manager, District Cooperative Central Bank, Srikakulam, Srikakulam District..

2. Two CD copies.